

OCT 23 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID B. WILSON, CLERK
BY
DEPUTY _____

UNITED STATES OF AMERICA

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CASE NO. 4:93CR46

v.

RICKY LYNN WILSON

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 21, 2008 to determine whether the Defendant violated his supervised release. At that hearing, the Court found that the conditions of Defendant's supervision should be modified as set forth below.

On December 2, 1993, the Defendant was sentenced by the Honorable Paul Brown, United States District Judge, to 180 months imprisonment, followed by a three (3) year term of supervised release for the offenses of Conspiracy to Manufacture, Deliver and Possess w/ Intent to Deliver a Schedule II Controlled Substance Mixtures Containing Amphetamine (Count 4), and Conspiracy to Commit a Violent Crime (Murder) in Aid of Racketeering Activity (Count 7). On September 22, 2006, the Defendant began service of his supervised term. On May 3, 2007, this case was re-assigned to the Honorable Michael H. Schneider.

On August 29, 2008, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (Dkt.108). The petition asserted that Defendant violated the following conditions: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except

as prescribed by a physician; and (3) Defendant shall not illegally possess a controlled substance.

The petition alleged that Defendant committed the following violations: (1) Defendant was arrested on July 5, 2008 by the Wood County Sheriff's Department for driving while intoxicated, a class B misdemeanor, and Defendant was subsequently released on bond; and (2) Defendant tested positive for marijuana use on March 22, 2007, July 17, 2007, July 30, 2007, August 9, 2007, and August 28, 2007.

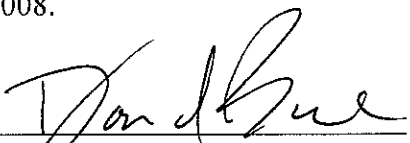
Prior to the Government putting on its case, Defendant entered a plea of true to the alleged violations. Defendant also waived allocution before a district judge. At the hearing, the Court recommended that Defendant's supervised release be modified as set forth below.

RECOMMENDATION

The Court recommended that Defendant's supervised release be modified as follows: Defendant shall be placed on home detention for a period not to exceed 180 days, to commence immediately upon release from custody. During this time, Defendant shall remain at his place of residence except for employment and other activities approved in advance by the U.S. Probation Officer. Defendant shall maintain a telephone at his place of residence without "call forwarding", "a modem", "Caller I.D.", "call waiting", or portable cordless telephones for the above period. At the direction of the probation officer, Defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. Defendant is to pay the cost associated with his program of electronic monitoring.

Additionally, Defendant shall abstain from the use of alcohol and all other intoxicants during the term of supervision.

SIGNED this 22 day of October, 2008.


DON D. BUSH
UNITED STATES MAGISTRATE JUDGE